



Sen. Mattie Hunter

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LRB094 12640 DRJ 58129 a

1 AMENDMENT TO HOUSE BILL 4676

2 AMENDMENT NO. _____. Amend House Bill 4676 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Elder Abuse and Neglect Act is amended by
5 changing Sections 2, 3, 3.5, 4, 5, 8, 9, and 13 as follows:

6 (320 ILCS 20/2) (from Ch. 23, par. 6602)

7 Sec. 2. Definitions. As used in this Act, unless the
8 context requires otherwise:

9 (a) "Abuse" means causing any physical, mental or sexual
10 injury to an eligible adult, including exploitation of such
11 adult's financial resources.

12 Nothing in this Act shall be construed to mean that an
13 eligible adult is a victim of abuse, ~~or~~ neglect, or
14 self-neglect for the sole reason that he or she is being
15 furnished with or relies upon treatment by spiritual means
16 through prayer alone, in accordance with the tenets and
17 practices of a recognized church or religious denomination.

18 Nothing in this Act shall be construed to mean that an
19 eligible adult is a victim of abuse because of health care
20 services provided or not provided by licensed health care
21 professionals.

22 (a-5) "Abuser" means a person who abuses, neglects, or
23 financially exploits an eligible adult.

24 (a-7) "Caregiver" means a person who either as a result of

1 a family relationship, voluntarily, or in exchange for
2 compensation has assumed responsibility for all or a portion of
3 the care of an eligible adult who needs assistance with
4 activities of daily living.

5 (b) "Department" means the Department on Aging of the State
6 of Illinois.

7 (c) "Director" means the Director of the Department.

8 (d) "Domestic living situation" means a residence where the
9 eligible adult lives alone or with his or her family or a
10 caregiver, or others, or a board and care home or other
11 community-based unlicensed facility, but is not:

12 (1) A licensed facility as defined in Section 1-113 of
13 the Nursing Home Care Act;

14 (2) A "life care facility" as defined in the Life Care
15 Facilities Act;

16 (3) A home, institution, or other place operated by the
17 federal government or agency thereof or by the State of
18 Illinois;

19 (4) A hospital, sanitarium, or other institution, the
20 principal activity or business of which is the diagnosis,
21 care, and treatment of human illness through the
22 maintenance and operation of organized facilities
23 therefor, which is required to be licensed under the
24 Hospital Licensing Act;

25 (5) A "community living facility" as defined in the
26 Community Living Facilities Licensing Act;

27 (6) A "community residential alternative" as defined
28 in the Community Residential Alternatives Licensing Act;

29 ~~and~~

30 (7) A "community-integrated living arrangement" as
31 defined in the Community-Integrated Living Arrangements
32 Licensure and Certification Act;~~;~~

33 (8) An assisted living or shared housing establishment
34 as defined in the Assisted Living and Shared Housing Act;

1 or

2 (9) A supportive living facility as described in
3 Section 5-5.01a of the Illinois Public Aid Code.

4 (e) "Eligible adult" means a person 60 years of age or
5 older who resides in a domestic living situation and is, or is
6 alleged to be, abused, neglected, or financially exploited by
7 another individual or who neglects himself or herself.

8 (f) "Emergency" means a situation in which an eligible
9 adult is living in conditions presenting a risk of death or
10 physical, mental or sexual injury and the provider agency has
11 reason to believe the eligible adult is unable to consent to
12 services which would alleviate that risk.

13 (f-5) "Mandated reporter" means any of the following
14 persons while engaged in carrying out their professional
15 duties:

16 (1) a professional or professional's delegate while
17 engaged in: (i) social services, (ii) law enforcement,
18 (iii) education, (iv) the care of an eligible adult or
19 eligible adults, or (v) any of the occupations required to
20 be licensed under the Clinical Psychologist Licensing Act,
21 the Clinical Social Work and Social Work Practice Act, the
22 Illinois Dental Practice Act, the Dietetic and Nutrition
23 Services Practice Act, the Marriage and Family Therapy
24 Licensing Act, the Medical Practice Act of 1987, the
25 Naprathic Practice Act, the Nursing and Advanced
26 Practice Nursing Act, the Nursing Home Administrators
27 Licensing and Disciplinary Act, the Illinois Occupational
28 Therapy Practice Act, the Illinois Optometric Practice Act
29 of 1987, the Pharmacy Practice Act of 1987, the Illinois
30 Physical Therapy Act, the Physician Assistant Practice Act
31 of 1987, the Podiatric Medical Practice Act of 1987, the
32 Respiratory Care Practice Act, the Professional Counselor
33 and Clinical Professional Counselor Licensing Act, the
34 Illinois Speech-Language Pathology and Audiology Practice

1 Act, the Veterinary Medicine and Surgery Practice Act of
2 2004, and the Illinois Public Accounting Act;

3 (2) an employee of a vocational rehabilitation
4 facility prescribed or supervised by the Department of
5 Human Services;

6 (3) an administrator, employee, or person providing
7 services in or through an unlicensed community based
8 facility;

9 (4) any religious practitioner who provides treatment
10 by prayer or spiritual means alone in accordance with the
11 tenets and practices of a recognized church or religious
12 denomination, except as to information received in any
13 confession or sacred communication enjoined by the
14 discipline of the religious denomination to be held
15 confidential ~~a Christian Science Practitioner;~~

16 (5) field personnel of the Department of Healthcare and
17 Family Services ~~Public Aid~~, Department of Public Health,
18 and Department of Human Services, and any county or
19 municipal health department;

20 (6) personnel of the Department of Human Services, the
21 Guardianship and Advocacy Commission, the State Fire
22 Marshal, local fire departments, the Department on Aging
23 and its subsidiary Area Agencies on Aging and provider
24 agencies, and the Office of State Long Term Care Ombudsman;

25 (7) any employee of the State of Illinois not otherwise
26 specified herein who is involved in providing services to
27 eligible adults, including professionals providing medical
28 or rehabilitation services and all other persons having
29 direct contact with eligible adults;

30 (8) a person who performs the duties of a coroner or
31 medical examiner; or

32 (9) a person who performs the duties of a paramedic or
33 an emergency medical technician.

34 (g) "Neglect" means another individual's failure to

1 provide an eligible adult with or willful withholding from an
2 eligible adult the necessities of life including, but not
3 limited to, food, clothing, shelter or health ~~medical~~ care.
4 This subsection does not create any new affirmative duty to
5 provide support to eligible adults. Nothing in this Act shall
6 be construed to mean that an eligible adult is a victim of
7 neglect because of health care services provided or not
8 provided by licensed health care professionals.

9 (h) "Provider agency" means any public or nonprofit agency
10 in a planning and service area appointed by the regional
11 administrative agency with prior approval by the Department on
12 Aging to receive and assess reports of alleged or suspected
13 abuse, neglect, or financial exploitation.

14 (i) "Regional administrative agency" means any public or
15 nonprofit agency in a planning and service area so designated
16 by the Department, provided that the designated Area Agency on
17 Aging shall be designated the regional administrative agency if
18 it so requests. The Department shall assume the functions of
19 the regional administrative agency for any planning and service
20 area where another agency is not so designated.

21 (i-5) "Self-neglect" means a condition that is the result
22 of an eligible adult's inability, due to physical or mental
23 impairments, or both, or a diminished capacity, to perform
24 essential self-care tasks that substantially threaten his or
25 her own health, including: providing essential food, clothing,
26 shelter, and health care; and obtaining goods and services
27 necessary to maintain physical health, mental health,
28 emotional well-being, and general safety.

29 (j) "Substantiated case" means a reported case of alleged
30 or suspected abuse, neglect, ~~or~~ financial exploitation, or
31 self-neglect in which a provider agency, after assessment,
32 determines that there is reason to believe abuse, neglect, or
33 financial exploitation has occurred.

34 (Source: P.A. 92-16, eff. 6-28-01; 93-281 eff. 12-31-03;

1 93-300, eff. 1-1-04; revised 12-15-05.)

2 (320 ILCS 20/3) (from Ch. 23, par. 6603)

3 Sec. 3. Responsibilities.

4 (a) The Department shall establish, design and manage a
5 program of response and services for persons 60 years of age
6 and older who have been, or are alleged to be, victims of
7 abuse, neglect, ~~or~~ financial exploitation, or self-neglect.
8 The Department shall contract with or fund or, contract with
9 and fund, regional administrative agencies, provider agencies,
10 or both, for the provision of those functions, and, contingent
11 on adequate funding, with attorneys or legal services provider
12 agencies for the provision of legal assistance pursuant to this
13 Act.

14 (b) Each regional administrative agency shall designate
15 provider agencies within its planning and service area with
16 prior approval by the Department on Aging, monitor the use of
17 services, provide technical assistance to the provider
18 agencies and be involved in program development activities.

19 (c) Provider agencies shall assist, to the extent possible,
20 eligible adults who need agency services to allow them to
21 continue to function independently. Such assistance shall
22 include but not be limited to receiving reports of alleged or
23 suspected abuse, neglect, ~~or~~ financial exploitation, or
24 self-neglect, conducting face-to-face assessments of such
25 reported cases, determination of substantiated cases, referral
26 of substantiated cases for necessary support services,
27 referral of criminal conduct to law enforcement in accordance
28 with Department guidelines, and provision of case work and
29 follow-up services on substantiated cases.

30 (d) By January 1, 2008, the Department on Aging, in
31 cooperation with an Elder Self-Neglect Steering Committee,
32 shall by rule develop protocols, procedures, and policies for
33 (i) responding to reports of possible self-neglect, (ii)

1 protecting the autonomy, rights, privacy, and privileges of
2 adults during investigations of possible self-neglect and
3 consequential judicial proceedings regarding competency, (iii)
4 collecting and sharing relevant information and data among the
5 Department, provider agencies, regional administrative
6 agencies, and relevant seniors, (iv) developing working
7 agreements between provider agencies and law enforcement,
8 where practicable, and (v) developing procedures for
9 collecting data regarding incidents of self-neglect. The Elder
10 Self-Neglect Steering Committee shall be comprised of one
11 person selected by the Elder Abuse Advisory Committee of the
12 Department on Aging; 3 persons selected, on the request of the
13 Director of Aging, by State or regional organizations that
14 advocate for the rights of seniors, at least one of whom shall
15 be a legal assistance attorney who represents seniors in
16 competency proceedings; 2 persons selected, on the request of
17 the Director of Aging, by statewide organizations that
18 represent social workers and other persons who provide direct
19 intervention and care to housebound seniors who are likely to
20 neglect themselves; an expert on geropsychiatry, appointed by
21 the Secretary of Human Services; an expert on issues of
22 physical health associated with seniors, appointed by the
23 Director of Public Health; one representative of a law
24 enforcement agency; one representative of the Chicago
25 Department on Aging; and 3 other persons selected by the
26 Director of Aging, including an expert from an institution of
27 higher education who is familiar with the relevant areas of
28 data collection and study.

29 (Source: P.A. 90-628, eff. 1-1-99.)

30 (320 ILCS 20/3.5)

31 Sec. 3.5. Other Responsibilities. The Department shall
32 also be responsible for the following activities, contingent
33 upon adequate funding:

1 (a) promotion of a wide range of endeavors for the purpose
2 of preventing elder abuse, neglect, ~~and~~ financial
3 exploitation, and self-neglect in both domestic and
4 institutional settings, including, but not limited to,
5 promotion of public and professional education to increase
6 awareness of elder abuse, neglect, ~~and~~ financial exploitation,
7 and self-neglect, to increase reports, and to improve response
8 by various legal, financial, social, and health systems;

9 (b) coordination of efforts with other agencies, councils,
10 and like entities, to include but not be limited to, the Office
11 of the Attorney General, the State Police, the Illinois Law
12 Enforcement Training Standards Board, the State Triad, the
13 Illinois Criminal Justice Information Authority, the
14 Departments of Public Health, Public Aid, and Human Services,
15 the Family Violence Coordinating Council, the Illinois
16 Violence Prevention Authority, and other entities which may
17 impact awareness of, and response to, elder abuse, neglect, ~~and~~
18 financial exploitation, and self-neglect;

19 (c) collection and analysis of data;

20 (d) monitoring of the performance of regional
21 administrative agencies and elder abuse provider agencies;

22 (e) promotion of prevention activities;

23 (f) establishing and coordinating ~~establishment and~~
24 ~~coordination of a~~ an aggressive training program on ~~about~~ the
25 unique nature of elder abuse cases with other agencies,
26 councils, and like entities, to include ~~including~~ but not be
27 limited to the Office of the Attorney General, the State
28 Police, the Illinois Law Enforcement Training Standards Board,
29 the State Triad, the Illinois Criminal Justice Information
30 Authority, the State Departments of Public Health, Public Aid,
31 and Human Services, the Family Violence Coordinating Council,
32 the Illinois Violence Prevention Authority, and other entities
33 that may impact awareness of, and response to, elder abuse,
34 neglect, ~~and~~ financial exploitation, and self-neglect;

1 (g) solicitation of financial institutions for the purpose
2 of making information available to the general public warning
3 of financial exploitation of the elderly and related financial
4 fraud or abuse, including such information and warnings
5 available through signage or other written materials provided
6 by the Department on the premises of such financial
7 institutions, provided that the manner of displaying or
8 distributing such information is subject to the sole discretion
9 of each financial institution; and

10 (h) coordinating ~~coordination of~~ efforts with utility and
11 electric companies to send notices in utility bills to ~~which~~
12 explain to persons 60 years of age or older their ~~elder~~ rights
13 regarding telemarketing and home repair fraud ~~frauds~~.

14 (Source: P.A. 92-16, eff. 6-28-01; 93-300, eff. 1-1-04; 93-301,
15 eff. 1-1-04; revised 1-23-04.)

16 (320 ILCS 20/4) (from Ch. 23, par. 6604)

17 Sec. 4. Reports of abuse or neglect.

18 (a) Any person who suspects the abuse, neglect, ~~or~~
19 financial exploitation, or self-neglect of an eligible adult
20 may report this suspicion to an agency designated to receive
21 such reports under this Act or to the Department.

22 (a-5) If any mandated reporter has reason to believe that
23 an eligible adult, who because of dysfunction is unable to seek
24 assistance for himself or herself, has, within the previous 12
25 months, been subjected to abuse, neglect, or financial
26 exploitation, the mandated reporter shall, within 24 hours
27 after developing such belief, report this suspicion to an
28 agency designated to receive such reports under this Act or to
29 the Department. Whenever a mandated reporter is required to
30 report under this Act in his or her capacity as a member of the
31 staff of a medical or other public or private institution,
32 facility, board and care home, or agency, he or she shall make
33 a report to an agency designated to receive such reports under

1 this Act or to the Department in accordance with the provisions
2 of this Act and may also notify the person in charge of the
3 institution, facility, board and care home, or agency or his or
4 her designated agent that the report has been made. Under no
5 circumstances shall any person in charge of such institution,
6 facility, board and care home, or agency, or his or her
7 designated agent to whom the notification has been made,
8 exercise any control, restraint, modification, or other change
9 in the report or the forwarding of the report to an agency
10 designated to receive such reports under this Act or to the
11 Department. The privileged quality of communication between
12 any professional person required to report and his or her
13 patient or client shall not apply to situations involving
14 abused, neglected, or financially exploited eligible adults
15 and shall not constitute grounds for failure to report as
16 required by this Act.

17 (a-7) A person making a report under this Act in the belief
18 that it is in the alleged victim's best interest shall be
19 immune from criminal or civil liability or professional
20 disciplinary action on account of making the report,
21 notwithstanding any requirements concerning the
22 confidentiality of information with respect to such eligible
23 adult which might otherwise be applicable.

24 (a-9) Law enforcement officers shall continue to report
25 incidents of alleged abuse pursuant to the Illinois Domestic
26 Violence Act of 1986, notwithstanding any requirements under
27 this Act.

28 (b) Any person, institution or agency participating in the
29 making of a report, providing information or records related to
30 a report, assessment, or services, or participating in the
31 investigation of a report under this Act in good faith, or
32 taking photographs or x-rays as a result of an authorized
33 assessment, shall have immunity from any civil, criminal or
34 other liability in any civil, criminal or other proceeding

1 brought in consequence of making such report or assessment or
2 on account of submitting or otherwise disclosing such
3 photographs or x-rays to any agency designated to receive
4 reports of alleged or suspected abuse or neglect. Any person,
5 institution or agency authorized by the Department to provide
6 assessment, intervention, or administrative services under
7 this Act shall, in the good faith performance of those
8 services, have immunity from any civil, criminal or other
9 liability in any civil, criminal, or other proceeding brought
10 as a consequence of the performance of those services. For the
11 purposes of any civil, criminal, or other proceeding, the good
12 faith of any person required to report, permitted to report, or
13 participating in an investigation of a report of alleged or
14 suspected abuse, neglect, or financial exploitation shall be
15 presumed.

16 (c) The identity of a person making a report of alleged or
17 suspected abuse or neglect under this Act may be disclosed by
18 the Department or other agency provided for in this Act only
19 with such person's written consent or by court order.

20 (d) The Department shall by rule establish a system for
21 filing and compiling reports made under this Act.

22 (e) Any physician who willfully fails to report as required
23 by this Act shall be referred to the Illinois State Medical
24 Disciplinary Board for action in accordance with subdivision
25 (A) (22) of Section 22 of the Medical Practice Act of 1987. Any
26 dentist or dental hygienist who willfully fails to report as
27 required by this Act shall be referred to the Department of
28 Professional Regulation for action in accordance with
29 paragraph 19 of Section 23 of the Illinois Dental Practice Act.
30 Any other mandated reporter required by this Act to report
31 suspected abuse, neglect, or financial exploitation who
32 willfully fails to report the same is guilty of a Class A
33 misdemeanor.

34 (Source: P.A. 93-300, eff. 1-1-04; 93-301, eff. 1-1-04.)

1 (320 ILCS 20/5) (from Ch. 23, par. 6605)

2 Sec. 5. Procedure.

3 (a) A provider agency designated to receive reports of
4 alleged or suspected abuse, neglect, ~~or~~ financial
5 exploitation, or self-neglect under this Act shall, upon
6 receiving such a report, conduct a face-to-face assessment with
7 respect to such report, in accord with established law and
8 Department protocols, procedures, and policies. Face-to-face
9 assessments, casework, and follow-up of reports of
10 self-neglect by the provider agencies designated to receive
11 reports of self-neglect shall be subject to sufficient
12 appropriation for statewide implementation of assessments,
13 casework, and follow-up of reports of self-neglect. In the
14 absence of sufficient appropriation for statewide
15 implementation of assessments, casework, and follow-up of
16 reports of self-neglect, the designated elder abuse provider
17 agency shall refer all reports of self-neglect to the
18 appropriate agency or agencies as designated by the Department
19 for any follow-up. The assessment shall include, but not be
20 limited to, a visit to the residence of the eligible adult who
21 is the subject of the report and may include interviews or
22 consultations with service agencies or individuals who may have
23 knowledge of the eligible adult's circumstances. If, after the
24 assessment, the provider agency determines that the case is
25 substantiated it shall develop a service care plan for the
26 eligible adult and may report its findings to the appropriate
27 law enforcement agency in accord with established law and
28 Department protocols, procedures, and policies. In developing
29 the plan, the provider agency may consult with any other
30 appropriate provider of services, and such providers shall be
31 immune from civil or criminal liability on account of such
32 acts. The plan shall include alternative suggested or
33 recommended services which are appropriate to the needs of the

1 eligible adult and which involve the least restriction of the
2 eligible adult's activities commensurate with his or her needs.
3 Only those services to which consent is provided in accordance
4 with Section 9 of this Act shall be provided, contingent upon
5 the availability of such services.

6 (b) A provider agency shall refer evidence of crimes
7 against an eligible adult to the appropriate law enforcement
8 agency according to Department policies. A referral to law
9 enforcement may be made at intake or any time during the case.
10 Where a provider agency has reason to believe the death of an
11 eligible adult may be the result of abuse or neglect, the
12 agency shall immediately report the matter to the coroner or
13 medical examiner and shall cooperate fully with any subsequent
14 investigation.

15 (c) If any person other than the alleged victim refuses to
16 allow the provider agency to begin an investigation, interferes
17 with the provider agency's ability to conduct an investigation,
18 or refuses to give access to an eligible adult, the appropriate
19 law enforcement agency must be consulted regarding the
20 investigation.

21 (Source: P.A. 90-628, eff. 1-1-99.)

22 (320 ILCS 20/8) (from Ch. 23, par. 6608)

23 Sec. 8. Access to records. All records concerning reports
24 of elder abuse, neglect, ~~and~~ financial exploitation, or
25 self-neglect and all records generated as a result of such
26 reports shall be confidential and shall not be disclosed except
27 as specifically authorized by this Act or other applicable law.
28 In accord with established law and Department protocols,
29 procedures, and policies, access ~~Access~~ to such records, but
30 not access to the identity of the person or persons making a
31 report of alleged abuse, neglect, ~~or~~ financial exploitation, or
32 self-neglect as contained in such records, shall be provided,
33 upon request, ~~allowed~~ to the following persons and for the

1 following persons:

2 (1) Department staff, provider agency staff, other aging
3 network staff, and regional administrative agency staff,
4 including staff of the Chicago Department on Aging while that
5 agency is designated as a regional administrative agency, in
6 the furtherance of their responsibilities under this Act;

7 (2) A law enforcement agency investigating known or
8 suspected elder abuse, neglect, ~~or~~ financial exploitation, or
9 self-neglect. Where a provider agency has reason to believe
10 that the death of an eligible adult may be the result of abuse
11 or neglect, the agency shall immediately provide the
12 appropriate law enforcement agency with all records pertaining
13 to the eligible adult;

14 (3) A physician who has before him or her or who is
15 involved in the treatment of an eligible adult whom he or she
16 reasonably suspects may be abused, neglected, ~~or~~ financially
17 exploited, or self-neglected or who has been referred to the
18 Elder Abuse and Neglect Program;

19 (4) An eligible adult reported to be abused, neglected, ~~or~~
20 financially exploited, or self-neglected, or such adult's
21 guardian unless such guardian is the abuser or the alleged
22 abuser;

23 (5) In cases regarding elder abuse, neglect, or financial
24 exploitation, a ~~A~~ court or a guardian ad litem, upon its or his
25 or her finding that access to such records may be necessary for
26 the determination of an issue before the court. However, such
27 access shall be limited to an in camera inspection of the
28 records, unless the court determines that disclosure of the
29 information contained therein is necessary for the resolution
30 of an issue then pending before it;

31 (5.5) In cases regarding self-neglect, a guardian ad litem;

32 (6) A grand jury, upon its determination that access to
33 such records is necessary in the conduct of its official
34 business;

1 (7) Any person authorized by the Director, in writing, for
2 audit or bona fide research purposes;

3 (8) A coroner or medical examiner who has reason to believe
4 that an eligible adult has died as the result of abuse,
5 neglect, ~~or~~ financial exploitation, or self-neglect. The
6 provider agency shall immediately provide the coroner or
7 medical examiner with all records pertaining to the eligible
8 adult; and

9 (9) Department of Professional Regulation staff and
10 members of the Social Work Examining and Disciplinary Board in
11 the course of investigating alleged violations of the Clinical
12 Social Work and Social Work Practice Act by provider agency
13 staff.

14 (Source: P.A. 89-387, eff. 8-20-95; 90-628, eff. 1-1-99.)

15 (320 ILCS 20/9) (from Ch. 23, par. 6609)

16 Sec. 9. Authority to consent to services.

17 (a) If an eligible adult consents to services being
18 provided according to the service care plan, such services
19 shall be arranged to meet the adult's needs, based upon the
20 availability of resources to provide such services. If an adult
21 withdraws his or her consent or refuses to accept such
22 services, the services shall not be provided.

23 (b) If it reasonably appears to the Department or other
24 agency designated under this Act that a person is an eligible
25 adult and lacks the capacity to consent to necessary services,
26 including an assessment, the Department or other agency may
27 seek the appointment of a guardian as provided in Article XIa
28 of the Probate Act of 1975 for the purpose of consenting to
29 such services.

30 (c) A guardian of the person of an eligible adult may
31 consent to services being provided according to the service
32 care plan. If a guardian withdraws his or her consent or
33 refuses to allow services to be provided to the eligible adult,

1 the Department, an agency designated under this Act, or the
2 office of the Attorney General may request a court order
3 seeking appropriate remedies, and may in addition request
4 removal of the guardian and appointment of a successor
5 guardian.

6 (d) If an emergency exists and the Department or other
7 agency designated under this Act reasonably believes that a
8 person is an eligible adult and lacks the capacity to consent
9 to necessary services, the Department or other agency may
10 request an ex parte order from the circuit court of the county
11 in which the petitioner or respondent resides or in which the
12 alleged abuse, neglect, ~~or~~ financial exploitation, or
13 self-neglect occurred, authorizing an assessment of a report of
14 alleged or suspected abuse, neglect, ~~or~~ financial
15 exploitation, or self-neglect or the provision of necessary
16 services, or both, including relief available under the
17 Illinois Domestic Violence Act of 1986 in accord with
18 established law and Department protocols, procedures, and
19 policies. Petitions filed under this subsection shall be
20 treated as expedited proceedings.

21 (e) Within 15 days after the entry of the ex parte
22 emergency order, the order shall expire, or, if the need for
23 assessment or services continues, the provider agency shall
24 petition for the appointment of a guardian as provided in
25 Article XIa of the Probate Act of 1975 for the purpose of
26 consenting to such assessment or services or to protect the
27 eligible adult from further harm.

28 (Source: P.A. 90-628, eff. 1-1-99.)

29 (320 ILCS 20/13)

30 Sec. 13. Access.

31 (a) In accord with established law and Department
32 protocols, procedures, and policies, the ~~The~~ designated
33 provider agencies shall have access to eligible adults who have

1 been reported or found to be victims of abuse, neglect, ~~or~~
2 financial exploitation, or self-neglect in order to assess the
3 validity of the report, assess other needs of the eligible
4 adult, and provide services in accordance with this Act.

5 (b) Where access to an eligible adult is denied, the Office
6 of the Attorney General, the Department, or the provider agency
7 may petition the court for an order to require appropriate
8 access where:

9 (1) a caregiver or third party has interfered with the
10 assessment or service plan, or

11 (2) the agency has reason to believe that the eligible
12 adult is denying access because of coercion, extortion, or
13 justifiable fear of future abuse, neglect, or financial
14 exploitation.

15 (c) The petition for an order requiring appropriate access
16 shall be afforded an expedited hearing in the circuit court.

17 (d) If the elder abuse provider agency has substantiated
18 financial exploitation against an eligible adult, and has
19 documented a reasonable belief that the eligible adult will be
20 irreparably harmed as a result of the financial exploitation,
21 the Office of the Attorney General, the Department, or the
22 provider agency may petition for an order freezing the assets
23 of the eligible adult. The petition shall be filed in the
24 county or counties in which the assets are located. The court's
25 order shall prohibit the sale, gifting, transfer, or wasting of
26 the assets of the eligible adult, both real and personal, owned
27 by, or vested in, the eligible adult, without the express
28 permission of the court. The petition to freeze the assets of
29 the eligible adult shall be afforded an expedited hearing in
30 the circuit court.

31 (Source: P.A. 90-628, eff. 1-1-99.)

32 Section 99. Effective date. This Act takes effect January
33 1, 2007."